IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA ASHEVILLE DIVISION 1:17 cv 271

BUEL, INC.,)	
Plaintiff,)	
v.)	ORDER
UNITED STATES OF AMERICA,)	
Defendant.)	
)	

This matter is before the Court after the Court asked the parties to brief the issue of whether Plaintiff is entitled to a jury trial [# 11]. After reviewing the briefs, the Court has determined that Plaintiff is entitled to a jury trial on all claims except its claim for equitable recoupment. *See* 28 U.S.C. § 1346(a)(1); Fed. R. Civ. P. 38(a); *cf.* Granfinanciera, S.A. v. Nordberg, 492 U.S. 33, 41–49 (1989).

Therefore, the Court **ORDERS** that Plaintiff's jury demand within its Complaint [# 1] is GRANTED in part and DENIED in part. Plaintiff shall receive a jury trial for all claims except its claim for equitable recoupment; Plaintiff shall receive a bench trial for that claim.

Accordingly, the Court **STRIKES** Plaintiff's jury demand as to its claim for equitable recoupment.

Signed: March 8, 2018

Dennis L. Howell United States Magistrate Judge